

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ADIDAS AMERICA, INC., an Oregon corporation; and
ADIDAS AG, a foreign entity,

Plaintiffs,

v.

THOM BROWNE INC., a Delaware corporation,

Defendant.

No. 1:21-cv-05615-JSR

JURY VERDICT FORM

This is the form on which you will provide your verdicts. Please read all instructions in italics carefully.

I. Thom Browne's Liability

Please answer all five questions in this Section by placing an "X" in the appropriate blank under each question.

- (1) On adidas's claim for trademark infringement under federal law, do you find for adidas?

_____ Yes

_____ No

- (2) On adidas's claim for unfair competition under federal law, do you find for adidas?

_____ Yes

_____ No

- (3) On adidas's claim for trademark dilution under federal law, do you find for adidas?

_____ Yes

_____ No

- (4) On adidas's claim for injury to business reputation and dilution under New York law, do you find for adidas?

_____ Yes _____ No

- (5) On adidas's claim for trademark infringement and unfair competition under New York law, do you find for adidas?

_____ Yes _____ No

II. Willfulness

If you answered "Yes" to any of questions (1), (2), (3), (4), or (5) in Section I ("Thom Browne's Liability"), then please answer the question in this Section by placing an "X" in the appropriate blank after the question.

- (6) Do you find that Thom Browne acted willfully?

_____ Yes _____ No

III. adidas's Remedies

If you answered "Yes" to any of questions (1), (2), or (5) in Section I ("Thom Browne's Liability"), then please complete this Section.

- (7) On the line below, write out the dollar amount of Thom Browne's profits from sales of the Accused Products that should be awarded to adidas, if any:

\$ _____

- (8) On the line below, write out the dollar amount of reasonable royalty damages that should be awarded to adidas, if any:

\$ _____

IV. Punitive Damages

If you answered “Yes” to question (5) in Section I (“Thom Browne’s Liability”), then please complete this Section.

- (9) On the line below, write out the dollar amount of punitive damages that should be awarded to adidas, if any:

\$ _____

V. Laches Defense

If you answered “Yes” to any of questions (1), (2), (3), (4), or (5) in Section I (“Thom Browne’s Liability”), then please answer the questions in this Section by placing an “X” in the appropriate blank after the question.

- (10) Do you find that adidas had constructive knowledge of a provable infringement claim against Thom Browne prior to May 2012?

_____ Yes _____ No

If you answered “No” to question (10), then you do not need to answer the next questions. If you answered “Yes,” please continue.

- (11) Do you find that adidas’s delay in objecting to the Accused Products was reasonable under the circumstances?

_____ Yes _____ No

If you answered “Yes” to question (11), then you do not need to answer the next question. If you answered “No,” please continue.

- (12) Do you find that Thom Browne suffered material prejudice as a result of an unreasonable delay by adidas?

_____ Yes _____ No

When you have completed all five sections, please sign and date this form and return it to the bailiff.

JURY FOREPERSON

DATE